

22104615D

SENATE BILL NO. 711

Offered January 21, 2022

A BILL to amend the Code of Virginia by adding sections numbered 54.1-2971.02 and 54.1-3408.6, relating to prescriptions; off-label use.

Patron—Chase

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 54.1-2971.02 and 54.1-3408.6 as follows:

§ 54.1-2971.02. Prescription for off-label use.

A. Consistent with § 54.1-3408.6, any person licensed pursuant to this article with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use when the health care provider determines, in his professional judgment, that such off-label use is appropriate for the care and treatment of the patient.

B. The Board shall not initiate any disciplinary proceeding against a licensed health care provider who prescribes, administers, or dispenses a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use pursuant to this section, and no licensed health care provider who prescribes, administers, or dispenses a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use pursuant to this section shall be subject to disciplinary action solely because of such prescribing, administering, or dispensing.

§ 54.1-3408.6. Prescription of FDA-approved drug for off-label use.

A. A licensed health care provider with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for off-label use when the health care provider determines, in his professional judgment, that such off-label use is appropriate for the care and treatment of the patient.

B. No pharmacist shall refuse to dispense a drug pursuant to a valid prescription for such drug issued in accordance with subsection A.

C. Nothing in this section shall be construed to grant any person immunity from investigation or disciplinary action for any other violation of this title.

INTRODUCED

SB711